

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JULY 14, 2005

The Marlboro Township Council held a Special Executive Session at 7:40 PM before the regularly scheduled Council Meeting of July 14, 2005 at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meeting Act, notice of this special executive session was faxed to the Asbury Park Press, the Star Ledger and News Transcript on July 11, 2005; posted on the bulleting board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: David Clark, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

At 7:40PM, Councilman Denkensohn moved that the meeting go into executive session for reason of litigation and property acquisition. This was seconded by Councilman Cantor, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2005-300

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 14th day of July, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 30 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 8:20 PM, Councilman Denkensohn moved that the executive session be opened. This was seconded by Council Vice President Morelli, and as there was no objection, the Clerk was asked to cast one ballot. Council took a five-minute recess and the meeting convened at 8:25 PM in Town Hall.

The Marlboro Township Council held its regularly scheduled Council meeting on July 14, 2005 at 8:25 PM at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: David Clark, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Councilman Denkensohn moved that the minutes of June 2nd, 2005 be approved. This motion was seconded by Council Vice President Morelli and the minutes were passed on a roll call vote of 4 - 0 in favor with Councilman Cantor abstaining.

Councilman Denkensohn moved that the minutes of June 16th, 2005 be approved. This motion was seconded by Council Vice President Morelli and the minutes were passed on a roll call vote of 5 - 0 in favor.

Council President Pernice opened the Public Hearing on Ordinance # 2005-24 (Amendment to LOSAP). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-272/Ord.# 2005-24 (Amendment to LOSAP) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor, with Councilman Cantor abstaining, as he recused himself from voting on the ordinance.

RESOLUTION # 2005-272

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21
"LENGTH OF SERVICE AWARDS PROGRAM",
APPENDIX A "LOSAP POINT SYSTEM"

which was introduced on June 16, 2005, public hearing held July 14, 2005, be adopted on second and final reading this 14th day of July, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Township Planner Jennifer Beahm was present for the Ordinances to rezone properties recommended in the Master Plan.

Council President Pernice opened the Public Hearing on Ordinance # 2005-25 (Rezoning Certain Lots to the C-1 Village Commercial District). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-273/Ord.# 2005-25 (Rezoning Certain Lots to the C-1 Village Commercial District) was introduced by reference, offered by Council Vice President Morelli, and seconded by Councilman Cantor. After discussion, the Resolution/Ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-273

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-25

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE C-1 VILLAGE COMMERCIAL DISTRICT

which was introduced on June 16, 2005, public hearing held July 14, 2005, be adopted on second and final reading this 14th day of July, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-27 (Rezoning Certain Lots to the CS Community Service District). After the Public Hearing was held and closed, the following Resolution # 2005-274/Ord.# 2005-27 (Rezoning Certain Lots to the CS Community Service District) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-274

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-27

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE CS COMMERCIAL SERVICE DISTRICT."

which was introduced on June 16, 2005, public hearing held July 14, 2005, be adopted on second and final reading this 14th day of July, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-29 (Rezoning Certain Lots to the A/LC Agriculture/Land Conservation District). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-275/Ord.# 2005-29 (Rezoning Certain Lots to the A/LC Agriculture/Land Conservation District) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-275

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-29

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE "A/LC AGRICULTURE/LAND CONSERVATION DISTRICT

which was introduced on June 16, 2005, public hearing held July 14, 2005, be adopted on second and final

reading this 14th day of July, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2005-144/Ord. #2005-12 (Amending Chapter 84 - Churches & Places of Worship) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-144

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-12 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE IV "ZONING: CONDITIONAL PERMIT PROCEDURES AND REQUIREMENTS", SECTION 84-66, "CHURCHES AND PLACES OF WORSHIP"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-12 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE IV "ZONING: CONDITIONAL PERMIT PROCEDURES AND REQUIREMENTS", SECTION 84-66, "CHURCHES AND PLACES OF WORSHIP"

WHEREAS, the Mayor and the Township Council of the Township of Marlboro recognize the continuing need to provide for the opportunity for the creation of churches or other places of worship in all zones in the Township; and

WHEREAS, the Mayor and the Township Council recognize and support an individual's desire and right to worship as he or she chooses, while also being mindful of the impact that the construction of churches or other places of worship can have upon residential zones; and

WHEREAS, Section 84-66 of the Code of the Township of Marlboro permitting churches or other places of worship as conditional uses in the Township does not adequately delineate development regulations which foster the development of such structures, while also providing protection to adjoining residential property owners from the impact of such development; and

WHEREAS, the elected officials of the Township met with representatives from the various churches and other places of worship and residents of the Township to obtain their input regarding how Section 84-66 could best be amended to accomplish the goal of allowing churches and other places of worship to thrive and prosper in the Township, while also protecting the residential property owners from the adverse impacts which may occur from the development of such structures.

WHEREAS, the Mayor and the Township Council have weighed the respective interests of all concerned and believe that this Ordinance amending Section 84-66 addresses that goal.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that Section 84-66 entitled "Churches and places of worship" of the "Land Use and Development Regulations" of the Code of the Township of Marlboro be deleted in its entirety and replace with the following:

§ 84-66. Churches and places of worship.

A. Churches and other places of worship or assembly for religious purposes may be permitted in specified zones only upon receipt of a conditional use permit. A conditional use permit shall be granted, provided that the following standards and specifications are met:

1. The minimum lot area shall be 3.5 acres and a minimum frontage shall be 150 feet with a 50 feet front yard

setback, 50 feet side yard and 50 foot rear yard; the minimum width shall be 150 feet within residential zoning districts.

2. All minimum required lot depth and building height shall conform to those established in the underlying zoning for the property.

3. Maximum lot coverage shall be 28 percent in all residential zoning districts.

4. No accessory building and/or structure including parking lots shall be located within the front, rear and side yards.

5. The site shall have direct access to one of the following streets: State Route 18, State Route 9, State Route 34, State Route 79, County Route 520, Lloyd Road, Tennent Road (County Route 3), Dutch Lane Road (County Route 46), Texas Road, Wyncrest Road, Gordon's Corner Road (through street), Ryan Road, School Road West, Ticetown Road, Greenwood Road, Wooleytown Road, Spring Valley Road, Union Hill Road, Robertsville Road, Amboy Road, Crine Road, Harbor Road, Station Road, Nolan Road, Reids Hill Road, Pleasant Valley Road, Conover Road, Boundary Road, Vanderburg Road, Robertsville Road, Church Road, Schank Road, School Road East, Buckley Road and Topanemus Road.

6. Driveways shall cross the sidewalk at right angles. Driveways shall be at least 10 feet from any side lot lines. Not more than two driveways shall be permitted for each 150 feet of street frontage.

7. Parking in accordance with § 84-60 for churches, synagogues or other places of worship: 1 for each 3 seats, or 1 for each 24 inches of seating space when benches rather than seats are used. If there is another use on-site other than that required for religious purposes, the parking requirement for the additional use will be added to the total required number of parking spaces. Where no pews or seats are provided in a house of worship, the parking requirement shall be one (1) parking space for every twenty-four (24) feet of floor area.

8. For all sites within a residential zoning district there shall be provided a 35-foot landscaped buffer to any existing residential use or zone in accordance with the design standards of the Township of Marlboro.

9. Fences are subject to the provisions of § 84-58 of this chapter.

10. Signs are regulated as per § 84-62 of this chapter.

11. All zoning requirements in the underlying zone of the property not specifically amended by this ordinance shall be applicable to this conditional use.

12. It is the intent of this ordinance, when incorporating the requirements/standards of the underlying zone, to establish that any deviation from that requirement/standard would require a variance under N.J.S.A. 40:55D-70(d).

B. The requirements set forth herein shall not apply to any Church or other place of worship that, as of the effective date of this Ordinance, is in compliance with all applicable State and Township laws and requirements. Any subsequent expansion or other development of any Church or other place of worship covered by this subsection (B) shall conform to those requirements in place immediately prior to the effective date of this Ordinance. Notwithstanding the foregoing, any expansion or other development of any Church or other place of worship covered by this subsection (B) on any lot other than that lot or lots upon which said structure exists as of the effective date of this Ordinance shall conform to the requirements set forth in this amended Section 84-66.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-243/Ord. #2005-26 (Tabled 6/16) Rezoning Certain Lots to the C-3 Community Commercial District) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilman Mione, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-243

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-26

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE C-5 COMMUNITY COMMERCIAL DISTRICT II."

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-26

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY TO REZONE CERTAIN LOTS TO THE C-5 COMMUNITY COMMERCIAL DISTRICT II."

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the C-5 Community Commercial District II.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 268, Lot 79 from the R-20 Residential District and so as to include said tax lots in the C-5 Community Commercial District II. Delete the premises designated as Block 412, Lots 1, 2, 3, 4, 5, 6, 7, 167, 168.01, 168.02, 168.03, 170, 171, 172 and Block 413, Lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.01, 34.02, 35 and Block 414, Lots 1, 2, 3, 4, 5, 6, 7, 8 and Block 415, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18.01, 18.02, 18.03, 18.04, 21.01, 21.02, 21.03, 21.04, 21.05, 21.06, 21.07, 21.08, 21.09, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21, 21.22, 21.23, 21.24, 21.25,

21.26, 21.27, 21.28, 21.29, 21.30, 21.31, 21.32, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.01, 32.02, the southern portion of Lot 34.01, Lot 36, the portion of Lot 37 adjacent to the easterly boundary of Lot 34.01, and Block 415.01, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and Block 415.02, Lots 1, 2, 3, 4, 5, 6, 7, 8 and Block 416, Lots 1, 2, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07 and 4 from the CIR Commercial-Industrial-Research District and so as to include said tax lots in the C-5 Community Commercial District II.

BE IT FURTHER ORDAINED, that Section 84-52A C-5 Community Commercial District II be created with the following provisions:

§ 84-52A C-5 Community Commercial District II

The following regulations shall apply in the C-5 Community Commercial District II:

- A. Permitted uses. All permitted uses in the C-3 Community Commercial District provided that said uses to not exceed 50,000 square feet.
- B. Permitted Accessory Uses. All accessory uses permitted in the C-3 Community Commercial District.
- C. Area, yard and building requirements are as specified for this zone in the schedule of requirements in section 84-29D of this chapter as identified for the C-3 Community Commercial District.
- D. Conditional Uses. All conditional uses permitted in the C-3 Community Commercial District.
- E. Other provisions as identified within Section 84-52E.
- F. Signs are regulated as per Section 84-62 of this Chapter.

G. Fences are subject to the provision of Section 84-58 of this Chapter.

H. Parking is regulated as per Section 84-60 of this Chapter.

I. Off-street loading is subject to the provisions of Section 84-61 of this Chapter.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-245/Ord. #2005-28 (Tabled 6/16) Rezoning Certain Lots to the LC Land Conservation District) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor, and passed on a roll call vote of 4 - 0 in favor, with Council President Pernice abstaining as he recused himself from voting on this ordinance.

RESOLUTION # 2005-245

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-28

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE LC LAND CONSERVATION DISTRICT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-28

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE LC LAND CONSERVATION DISTRICT"

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the LC Land Conservation District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 132, Lots 19, 20.01, 20.02, 20.03, 20.04, 20.05, 20.06, 20.07, 20.08, 20.09, 20.10, 20.11, 20.12, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35.01, 35.02, 35.03, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and Block 138, Lots 3, 4, 5, 6, 14.01, 14.02, 14.03 and Block 143, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37 and Block 152, Lots 1, 2 and Block 153, Lots 10.01, 10.02, 10.03, 10.04, 10.05, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62.01, 62.02, 62.03, 62.04, 62.05, 62.06, 62.07, 62.08, 62.09, 62.10, 62.11, 62.12, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78.01, 78.02, 79.01, 79.02, 79.03, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137 and Block 153.01, Lots 1, 2, 3, 4, 5 and Block 153.02, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and Block 159, Lots 2, 8, 9, 10 and the portion of Lot 14 adjacent to the western boundary of Lot 10, and Block 159.01, Lot 19 and Block 160, Lots 9, 11, 12, 13, 14 and Block 160.01, Lots 1, 2, 3, 4.01, 4.02, 4.03 and Block 164, Lots 1 and 2, and Block 169, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and Block 170, Lots

2, 3, 4, 5, 6, 7, 8.01, 8.02, 9, 10,
11, 12, 13, 14, 15, 16, 17, 18, 19,
20, 21, 22, 23, 24, 25, 26, 27, 28,
29, 30, 31, 32, 33, 34, 35, 36, 37,
38, 39, 40, 41, 42, 43, 44, 45, 46,
47, 48, 49, 50, 51 and Block 171, Lots
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
13, 37, 38, 39, 40, 41, 42, 43, 44,
45, 46, 47, 48, 50, 51, 52, 53, 54,
55, 56, 57, 58, 59, 60, 61, 62, 63,
64, 65, 66, 67, 68, 69, 70.01, 70.02,
70.03, 70.04, 71, 72, 73, 74, 75, 76,
77, 78, 79, 80, 81, 82, 83, 84, 85,
86, 87, 88, 89, 90, 91, 92, 93, 94,
95, 96, 97, 98, 98.01, 99, 100, 101,
102, 103 and Block 193.02, Lots 55,
56, 57, 58, 60 and Block 206, Lots 51,
53, 54, 55, 56, 57, 58, 59, 60, 61,
62, 63, 64, 65, 66 and Block 207, Lots
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
14, 15, 16, 17 and 18 from the R-80
Residential District and so as to
include said tax lots in the LC Land
Conservation District. Delete the
westerly portion of the premises
designated as Block 225, Lot 227 from
the SCPR-II Stream Corridor
Preservation Residential District and
so as to include said portion of said
tax lot in the LC Land Conservation
District.

BE IT FURTHER ORDAINED, that the requirements of the
LC Land Conservation District shall not apply to any
property that maintains a single-family residential
structure that, as of the effective date of this
Ordinance, is in compliance with all applicable State and
Township laws and requirements, provided that said
property would not be further subdivided. Should such an
application to subdivide come forward, the applicant would
then be required to meet the zoning standards established
for the LC Land Conservation District; and

BE IT FURTHER ORDAINED, that if any section,
paragraph, subsection, clause or provision of this
Ordinance shall be adjudged by the courts to be invalid,
such adjudication shall apply only to the section,

paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-276/Ord. #2005-30 (Rezoning Certain Lots to the MZ Zone) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-276

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-30

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE MZ MUNICIPAL ZONE DISTRICT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-30

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE MZ MUNICIPAL ZONE DISTRICT"

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the MZ Municipal Zone District.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 159, Lot 1 from the LC Land Conservation District and so as to include said tax lot in the MZ Municipal Zone District. Delete the premises designated as Block 160, Lot 8 from the R-80 Residential District and so as to include said tax lot in the MZ Municipal Zone District.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so

adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-277/Ord. #2005-31 (Rezoning Certain Lots to the RSCS Zone) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-277

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-31

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS," SECTION 84-45.1, ENTITLED "RSCS SENIOR CITIZEN RESIDENTIAL DISTRICT," OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-31

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND
USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING:
STANDARDS AND REGULATIONS," SECTION 84-45.1, ENTITLED
"RSCS SENIOR CITIZEN RESIDENTIAL DISTRICT,"
OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now seeking to implement the recommendations of the Planning Board set forth in the Report concerning the Senior Citizen Residential District Zone; and .

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows

BE IT ORDAINED by Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows:

§ 84-45.1. RSCS Senior Citizen Residential District.
[Added 12-13-1990 by Ord. No. 63-90; amended 1-24-1991 by Ord. No. 64-90; 7-16-1992 by Ord. No. 20-92]

The following regulations shall apply in the RSCS Senior Citizen Residential District:

A. Permitted uses.

(1) Housing accommodations for senior citizens as defined under § 84-4B and as set forth under § 84-45B(1) and (2). However, the minimum gross acreage of a tract or parcel of land proposed for the development as a senior citizen project must be 40 acres. This requirement shall only pertain to senior citizen projects and not to other permitted uses in this zone. The acreage allotments specified in this section shall only apply to contiguous tracts or parcels located within this zone; no developer shall be permitted to satisfy the acreage requirements by combining two or more noncontiguous tracts or parcels. For the purposes of this subsection, two tracts or parcels of land shall be noncontiguous if they are separated by a public roadway or street. [Amended 5-11-2000 by Ord. No. 2000-6]

(a) The proposed project must be serviced by a public sewer and water utility system.

(2) Those tracts or parcels of less than 40 contiguous acres may be developed as a senior citizen project in accordance with § 84-45B(1) and (2) provided that they contain a minimum gross acreage of 10 acres. In addition, the minimum lot area shall be 10,000 square feet under this provision.

(a) The proposed project must be serviced by a public sewer and water utility system.

(3) All uses of the prior zoning district, namely the R-60 Residential District or the LC Land Conservation District, at the time of passage of this section.

(4) Senior citizen light-care centers as set forth in Subsection C of this zoning section.

(5) Nursing homes as a conditional use subject to Article IV.

Dwelling construction controls.

(1) [Amended 1-24-1991 by Ord. No. 64-90] A clubhouse and recreational facilities shall be provided for every senior citizen project as follows:

(a) A clubhouse at a ratio of 12 square feet per dwelling unit, however, a minimum building of 5,000 square feet shall be provided.

(b) Outdoor recreational facilities of the following types with final determination to be made by the Planning Board:

[1] Tennis court.

[2] Shuffleboard court.

[3] Similar facilities submitted by the applicant.

C. Senior citizen light-care centers. Recognizing the need for senior citizen housing which provides more comprehensive facilities for senior citizens who require a more organized program of support services as an alternative to planned retirement communities, senior citizen light-care centers are permitted in the RSCS Zone subject to the following conditions:

(1) Definition of a senior citizen light-care center. A "senior citizen light-care center" hereinafter referred to as an "LCC" is defined as an undivided parcel of land having a contiguous total acreage of at least 25 acres and developed as an integrated system of congregate housing units supported by common management or control through which support functions such as recreation, entertainment, meals, linen and cleaning services and other types of services are provided and made available to the permanent residents of the LCC. Ownership of the residential units may be in any form recognized under the laws of the State of New Jersey.

(2) Uses required and permitted.

(a) Attached single-family dwelling units within the same building, hereinafter referred to as a multiple dwelling, but no more than 16 such units in any one building; and/or

(b) Senior citizen recreational and cultural facilities for the sole use of the residents of the LCC and their guests, including the following: recreation building, including common dining facilities, infirmary facility and commercial convenience center (the "recreation building"), shuffleboard courts and active and passive recreation area. Recreational and cultural facilities shall not be limited to the foregoing, so that an applicant may propose additional facilities with its submission for a conditional use permit. All such facilities shall be

subordinated to the residential character of the area.

(3) Age of residents. The permanent residents of said LCC shall be restricted to residents who are at least 55 years of age or over or, in the case of a family unit, at least one of whom is 55 years of age or over; provided, however, that no child 19 years of age or under may reside with an occupant.

(4) Design criteria.

(a) Minimum tract size: 25 acres.

(b) The maximum density for an LCC shall be eight units per gross acre; provided, however, that there shall be aggregate open space maintained by an LCC of not less than 50% of the gross area of the tract on which the LCC is developed.

(c) Minimum setback distance: 75 feet from all existing state and county major arterial roads.

(d) Minimum setback distances from all other existing public roads maintained by the Township of Marlboro shall be as follows:

[1] The minimum front yard setback shall be 50 feet.

[2] The minimum side yard setback shall be 50 feet.

[3] The minimum rear yard setback shall be 50 feet.

(e) Minimum setback distances from all private streets to be constructed and installed as part of the LCC shall be as follows:

[1] The minimum front yard setback shall be 25 feet. [Amended 6-24-1993 by Ord. No. 33-93]

[2] The minimum side yard setback shall be 20 feet.

[3] The minimum rear yard setback shall be 30 feet.

(f) For purposes of this section, the term "private street" shall mean any internal street designed and installed as part of the LCC whose purpose is to provide access between buildings and facilities of the LCC and ingress and egress to and from the LCC, which streets shall be owned and maintained by the owner and management of the LCC and not be dedicated to public use. All

internal streets of the LCC shall be private streets.

- (g) Minimum width of any LCC unit: 16 feet.
- (h) Minimum floor area per unit: 400 square feet. Any unit comprised of 600 square feet or less shall be limited to one permanent resident; provided, however, that not more than 25% of the total number of units approved in an LCC shall be comprised of less than 600 square feet of floor area.
- (i) Maximum floor area per unit: 1,200 square feet.
- (j) Maximum building height: 35 feet.
- (k) Maximum number of stories: two and one-half (2 1/2). If two stories are proposed, the buildings comprising the LCC shall contain full-service elevators and be of barrier-free design.
- (l) Minimum number of units per building: eight.
- (m) Maximum number of units per building: 16.
- (n) The minimum distances between buildings shall be as follows:
 - [1] For multifamily buildings oriented essentially at 90° to each other, the minimum distance between the same shall be 20 feet minimum.
 - [2] For multifamily buildings oriented essentially end-to-end to each other, the minimum distance between the same shall be 25 feet minimum.
 - [3] For multifamily buildings oriented essentially end-to-end to each other, the minimum distance between the same shall be 25 feet minimum.
- (o) No exterior wall of any multifamily building shall contain more than 60 feet in one linear plane.
- (p) No portion of any unit shall be lower than the outside finished grade. No depressed siting shall be permitted.
- (q) All areas of an LCC not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be either landscaped, grassed or left with natural vegetation preexisting development at the site.

- (r) The LCC shall be serviced by a central water system and central sanitary sewage system approved by the Marlboro Township Municipal Utilities Authority.
- (s) Buffer areas for an LCC shall be provided as follows:
 - [1] There shall be provided a fifty-foot buffer area when the LCC abuts a nonresidential zone or use or a state highway. This fifty-foot buffer area shall not be used in computing any setbacks but may be used for the drainage system of LCC.
 - [2] There shall be provided a thirty-foot buffer area when the LCC abuts a residential zone or use or a county or municipal arterial road. This thirty-foot buffer area may be used in computing required setbacks.
- (t) All on-site and off-site drainage shall be provided for in accordance with the Township Master Storm Drainage Plan and applicable township ordinances pertaining to subdivision of lands.
- (u) The primary or main entrance to the LCC shall be located on a major arterial road.
- (v) All identification signs, entrance signs and traffic control signs shall be designed to be aesthetically compatible with the design of the LCC and shall be shown on the site plan submitted to the Planning Board.
- (w) The LCC shall include a system of walking trails of an aggregate linear length of not less than 2,000 feet and shall be cleared and graded to facilitate pedestrian passage by elderly persons.
- (x) The LCC shall provide for security guard service, smoke and fire alarms, and an emergency signaling system to which all units are connected to a central monitoring location.
- (5) Recreation building. The recreation building shall contain provisions for the following:
 - (a) An area of not less than 150 square feet which shall be used as a commercial convenience center for the exclusive benefit of the

residents of the LCC for purchase of personal hygiene aids, sundries and reading materials.

- (b) All-purpose rooms (exclusive of areas set aside for dining) which in the aggregate shall comprise not less than three square feet per unit contained in the LCC.
- (c) Dining areas and facilities sized to accommodate not less than one-third (1/3) of the total number of residents of the LCC at one time utilizing an area ratio of not less than 10 square feet per persons.
- (d) An area of not less than 200 square feet which shall be used as an infirmary for the benefit of the residents of the LCC for dispensing nonprescription medicines and oxygen and providing emergency services and shall be staffed by a licensed practical nurse.
- (e) A storage area adequately sized for storage of maintenance equipment and supplies necessary for the operation and maintenance of the LCC. If more than one storage area is proposed to be provided, any additional storage areas may be located within the LCC other than in the recreation building.
- (f) The recreation building shall have a separate parking area with a capacity equal to one vehicle for every eight units in the LCC; provided, however, that the requirement may be waived by the approving agency where the applicant proposes, as part of the LCC, to provide an adequate system of covered walkways and internal transportation between residential buildings and the recreation building.
- (g) The recreation building may be constructed in stages, provided that:
 - [1] Adequate interim facilities are provided for dining in accordance with Subsection C(4) (w) and (5) (c); and
 - [2] The recreation building is completed for occupancy not later than the date upon which a certificate of occupancy is issued for the 100th unit in the LCC.
- (h) In the event that a unit-owners association is created by the owner of the LCC for the management and operation of the LCC, the

recreation building and any other recreational facilities shall be conveyed to such association, upon commencement of management and operation of the LCC by said association.

(6) Off-street parking requirements.

- (a) There shall be one parking space provided for every unit in an LCC for residential parking.
- (b) In addition to the residential parking provided pursuant to Subsection C(5), there shall be one parking space provided for every three units in an LCC for guest and employee parking.
- (c) Off-street parking areas shall be provided on the site sufficient to provide storage or parking for the number of vehicles required pursuant to Subsection C(5) and shall be developed and maintained in accordance with the following:
 - [1] Parking areas shall be used for automobile parking only with no sale of automobiles, dead storage of automobiles, repair work, dismantling or services of any kind.
 - [2] Parking areas shall be paved and provided with an adequate system of stormwater drainage.
 - [3] No off-street parking areas shall be located nearer than 25 feet from any adjoining property line.

(7) Landscaping and buffer requirements. All areas of an LCC not used for the construction of buildings, recreation facilities, roads, accessways, drainage or detention facilities, parking areas or sidewalks shall be landscaped, grassed or left with natural vegetation. Where an LCC boundary line abuts a lot in a residential zone, which lot is not owned by the developer, there shall not be cut, uprooted, destroyed or taken away any existing trees, shrubbery or other planting within the area of 25 feet inside the boundary line of the LCC abutting a residential lot, except where necessary to provide a minimum cleared area of 10 feet from any building in the LCC. If no adequate trees, shrubs or planting exist in the twenty-five-foot area in the natural state of the site before development, the area shall be provided with an adequate approved planting plan to provide a belt of screening within the twenty-five-foot area

consisting of at least a double row of staggered evergreens, five feet on center and at least four feet in height.

(8) Document submission. In conjunction with any application for a site plan approval for an LCC pursuant to this section, the applicant shall submit a copy of the proposed declaration of restrictive and protective covenants implementing the provisions of § 84-45.1 of this chapter to be recorded by the applicant as an encumbrance upon the site of the LCC to the Planning Board for review.

(9) No municipal responsibility for operations. Neither the provisions of this § 84-45.1, nor the granting of a conditional use permit, subdivision or site plan approval for an LCC shall be deemed to render the township liable or responsible for the interpretation or enforcement of any agreement between the applicant, owner or operator of an LCC and any resident(s) thereof; or the review, supervision or control of the operation of an LCC or any phase thereof; nor the supplying of any services of any kind involving utilities; except that the township shall retain the right to enforce terms and provisions of this chapter and any other ordinances of the Township of Marlboro having jurisdiction thereover.

(10) Emergency services review. As part of the application for a conditional use permit for an LCC under this section, the applicant shall submit a full copy of such application for review and comment to the Fire Department serving the area in which the LCC is proposed to be located and the Marlboro First Aid Squad. Said entities shall be required to submit a report on the application to the approving agency prior to the hearing.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-278/Ord. #2005-32 (Rezoning Certain Lots to the OPT 2 Zone) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-278

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE OPT-2 OFFICE-PROFESSIONAL-TRANSITIONAL DISTRICT 2

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-32

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP

OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE
OPT-2 OFFICE-PROFESSIONAL-TRANSITIONAL DISTRICT 2

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township of Marlboro Planning Board undertook a general reexamination of the Township of Marlboro Master Plan and development regulations; and

WHEREAS, on February 2, 2005, the Planning Board adopted a report entitled "Statement of Objectives and Land Use Plan Element of the Marlboro Township Master Plan" (the "Report") setting forth the findings of such reexamination; and

WHEREAS, a resolution memorializing said adoption of the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and Township Council are now rezoning certain lots to the OPT-2 Office-Professional-Transitional District 2; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the following provisions of the Marlboro Code shall be amended and supplemented as follows

That Subsection 84-29B be amended and supplemented to the effect that the zoning map adopted by said subsection shall be revised so as to delete the premises designated as Block 149, Lots 1, 2, 2.01, 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 and 18 from the R-60 Residential District and so as to include said tax lots within the OPT-2 Office-Professional-Transitional District 2. Delete the premises designated as Block 175, the southern portion of Lot 22 and Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 from the C-4 Regional Commercial District and so as to include said tax lots within the OPT-2 Office-Professional-Transitional District 2.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-279/Ord. #2005-33 (Rezoning Certain Lots to the R-40AH Zone) was introduced by reference, offered by Council President Pernice, seconded by Council Vice President Morelli, and passed on a roll call vote of 3 - 1 in favor with Councilman Denkensohn abstaining and Councilman Cantor voting no.

RESOLUTION # 2005-279

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-33

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE R-40AH RESIDENTIAL DISTRICT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that this ordinance was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2005-33

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B
ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE
DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP
OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE
R-40AH RESIDENTIAL DISTRICT"

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the Township
of Marlboro Planning Board undertook a general
reexamination of the Township of Marlboro Master Plan and
development regulations; and

WHEREAS, on February 2, 2005, the Planning Board
adopted a report entitled "Statement of Objectives and
Land Use Plan Element of the Marlboro Township Master
Plan" (the "Report") setting forth the findings of such
reexamination; and

WHEREAS, a resolution memorializing said adoption of
the Report was approved on March 2, 2005; and

WHEREAS, in accordance with the Report, the Mayor and
Township Council are now rezoning certain lots to R-40AH
Residential District; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and
Council of the Township of Marlboro, County of Monmouth,
State of New Jersey, that the following provisions of the
Marlboro Code shall be amended and supplemented as follows

That Subsection 84-29B be amended and supplemented to
the effect that the zoning map adopted by said subsection
shall be revised so as to delete the premises designated
as Block 160.03, Lot 16 from the R-80 Residential District
and so as to include said tax lot within the R-40AH
Residential District.

BE IT FURTHER ORDAINED, that if any section,
paragraph, subsection, clause or provision of this
Ordinance shall be adjudged by the courts to be invalid,
such adjudication shall apply only to the section,
paragraph, subsection, clause or provisions so
adjudicated, and the remainder of the Ordinance shall be
deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts
thereof in conflict with the provisions of this Ordinance
are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-280/Ord. #2005-34 (Traffic Regulations - Millponds) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-280

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-34

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE MILL PONDS DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 11, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-34

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE MILL PONDS DEVELOPMENT AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Candi Morey, Property Manager for Millponds Condominium Association,

has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey to be made applicable to the semi-public roads, streets, driveways and parking lots at The Millponds Development located in the Township of Marlboro, County of Monmouth and the following regulations shall be enforceable:

REGULATIONS:

1. General Parking:

A. All vehicles must park in designated areas and between the lines provided.

B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
All Roads	Both	All	As indicated on the site plan

C. Handicapped Parking

All stalls shall be 12 feet wide as shown on the attached site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permit by the Division of Motor Vehicles.

2. Reserved Parking

All vehicles that are granted specialty parking in this section such as police vehicles, ambulances, teachers, etc. must be properly identified and the reserved parking spaces must be shown on the attached site plan.

3. Through Streets, and Yield Intersections:

A. Through Streets:

The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near right side of each street intersecting the Through Street except where Yield signs are provided for in the designation.

<u>Name of Street</u>	<u>Limits</u>
Mayfair Place	Entire Length
Vasser Way	Entire Length
Hancock Way	Entire Length
Hampton Way	a) Between Texas Road and Hampton Circle South b) Between Hampton Circle South and Hampton Circle North
Bennington Way	a) Between Texas Road and Bennington Circle b) Between Bennington Circle and its southern terminus
Mill Ponds Way	a) Between Texas Road and Mill Ponds Circle North b) Between Mill Ponds Circle North and Mills Ponds Circle South c) Between Mill Ponds Circle South and its southern terminus
Stratford Way	a) Between Mill Ponds Circle North and Stratford Circle b) Between Stratford Circle and its southern terminus

B. Yield Intersections

The following described intersections are hereby designated as Yield intersections. Yield signs shall be installed as provided therein.

<u>Intersection</u>	<u>Yield Sign(s) on:</u>
All Circles within the limits of Mill Ponds Development	All approaches

4. One-Way Streets

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated.

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
All Circles within the limits of Mill Ponds Development	Counter-Clockwise	Entire Length

5. Speed Limits:

A. The speed limit for both directions of traffic in the parking lot(s) shall be 15 M.P.H.

B. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>MPH</u>	<u>Limits</u>
All Roads	15	Entire Length

C. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

6. Tow-Away Zones

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard

may be removed by towing the vehicle at the owners or operators expense.

7. Loading Zones

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Tenison Place	North	All	As indicated on the site plan

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials shall be installed and paid for by the property owners and that all signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-281 (Bond Reduction LKLN/Complete Securities Site Plan) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-281

RESOLUTION REJECTING THE REQUEST OF LKLN, LLC FOR A REDUCTION OF THE PERFORMANCE BOND AND CASH BOND FOR THE LKLN/COMPLETE SECURITIES SITE PLAN, BLOCK 360, LOT 17, VANDERBURG ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by LKLN, LLC for a reduction of the Performance Bond and Cash Bond being held by the Township for the LKLN/Complete Securities Site Plan, Block 360, Lot 17, Vanderburg Road (the "Project"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 17, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends that the request for a reduction of the Performance Bond and Cash Bond for the Project be rejected on the basis that LKLN, LLC has failed to satisfactorily complete the required improvements.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that, in accordance with the Engineer's Report, the request of LKLN, LLC for a reduction of the Performance Bond and Cash Bond being held by the Township for the Project be and hereby is rejected; and

BE IT FURTHER RESOLVED, that, LKLN, LLC should complete all outstanding items as outlined in the Engineer's Report and request a re-inspection and release of the Performance Bond and Cash Bond; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. LKLN, LLC
- b. American Southern Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2005-282 (Bond Release Goddard School Route 520) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-282

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND
FOR THE GODDARD SCHOOL ROUTE 520 PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Building Blocks of Marlboro, LLC for the release of the Performance Bond being held by the Township for the Goddard School Route 520 Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated June 22, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond being held by the Township conditioned upon (1) verification of payment of all fees required by the Developer's Agreement and (2) posting of a Maintenance Bond in the amount of \$14,555.00; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond posted for the Goddard School Route 520 Project be released in its entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond shall be conditioned upon (1) verification of payment of all fees required by the Developer's Agreement and (2) posting of a Maintenance Bond in the amount of \$14,555.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Building Blocks of Marlboro, LLC
- b. The Service Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2005-283 (Acceptance of Audit - General Comments and Recommendations) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-283

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the annual report of audit for the year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations
Auditor's Opinion
Single Audit Findings

and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations
Auditor's Opinions
Single Audit Findings

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

The following Res. # 2005-284 (Approval of Item of Revenue - Alcohol Education and Rehabilitation Grant - \$2,328.00) was introduced by reference, offered by Councilman Mione, seconded by Councilman Cantor, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-284

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have

been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2005 in the sum of \$2,328.00, which item is now available as a revenue from the 2005 Alcohol Education Rehabilitation Grant, and

Section 2

BE IT FURTHER RESOLVED that the sum of \$2,328.00 is hereby appropriated under the caption "Alcohol Education and Rehabilitation Grant".

The following Res. # 2005-285 (Approving Grant - Statewide Livable Communities) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-285

WHEREAS, the Governing Body of the Township of Marlboro received notice from the New Jersey Department of Community Affairs of its eligibility to receive a Statewide Livable Communities-Capital Improvements Grant in the amount of \$94,500; and

WHEREAS, the purpose of the grant is for improvements to the Municipal Annex such as installing a handicap accessible ramp, ADA compliant doorways, and sidewalks.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Marlboro, that the Governing Body does hereby accept the grant of \$94,500, for purposes described herein,

BE IT FURTHER RESOLVED, that the Mayor of the Township of Marlboro be and hereby is authorized to

execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Township of Marlboro, and upon execution of said Agreement, the Township of Marlboro does accept the Terms and Conditions specified in the Agreement in connection with this grant.

The following Res. # 2005-286 (Award of Bid - Snow Removal Services) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-286

A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT TO AKC, INC. FOR THE PROVISION OF
SNOW REMOVAL SERVICES FOR THE TOWNSHIP OF
MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro authorized the acceptance of bids for the provision of snow removal services for the Township of Marlboro Department of Public Works; and

WHEREAS, bids were accepted for the provision of such services in eight (8) different sections of the Township of Marlboro; and

WHEREAS, two (2) bids were received as follows:

1. AKC, Inc. of 178 Highway 34 and Schanck Road, Holmdel, New Jersey 07733 for the following amounts:

Section 1 - \$830.82
Section 2 - \$830.82
Section 3 - \$415.41
Section 4 - \$415.41
Section 5 - \$415.41
Section 6 - \$415.41
Section 7 - \$553.88
Section 8 - \$415.41

2. Triple C Nurseries of 489 County Road 520, Marlboro, New Jersey 07746 for the following amounts:

Section 1 - No Bid
Section 2 - No Bid
Section 3 - No Bid
Section 4 - \$325.50
Section 5 - No Bid
Section 6 - \$325.50
Section 7 - No Bid
Section 8 - \$420.00; and

WHEREAS, the Township Attorney has reviewed the bids received and advises that the bid of Triple C Nurseries must be rejected as materially defective for failure to submit a Business Registration Certificate in accordance with N.J.S.A. 52:32-44 and the bid specifications; and

WHEREAS, Administration and the Director of Public Works have reviewed the remaining bid received and recommend that the contract be awarded to AKC, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, AKC, Inc., for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the bid of Triple C Nurseries be and hereby is rejected as materially defective for failure to submit a Business Registration Certificate as required by N.J.S.A. 52:32-44 and the bid specifications; and

BE IT FURTHER RESOLVED that the contract for the provision of snow removal services in all eight (8) identified sections for the Township of Marlboro Department of Public Works be and hereby is awarded to AKC, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and AKC, Inc. for the provision of said services in accordance with the bid specifications and the bid proposal submitted by AKC, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. AKC, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP

The following Res. # 2005-287 (Authorization of Professional Services - Reconstruction Route 520 - Phase II) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-287

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF ENGINEERING SERVICES IN CONNECTION WITH THE ROUTE 520 (ROBERTSVILLE ROAD) IMPROVEMENT PROJECT

WHEREAS, the Township of Marlboro is in need of professional engineering services in connection with additional drainage design for the Route 520 (Robertsville Road) Improvement Project between New Jersey State Highway 9 and the Old Bridge border (the "Project"); and

WHEREAS, Birdsall Engineering, Inc. has submitted a proposal dated June 29, 2005 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for the Project for an amount not to exceed \$15,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services for the Project in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in forms legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services for the Project in accordance with the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2005-288 (Supporting NJ State Bill S-2567) was introduced by reference, offered by Councilman Denkensohn, seconded by Council President Perice, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-288

A RESOLUTION SUPPORTING PENDING LEGISLATION IN THE NEW JERSEY LEGISLATURE REQUIRING ALL HEALTH CLUBS AND FITNESS CENTERS TO HAVE AUTOMATIC EXTERNAL DEFIBRILLATORS ON SITE

WHEREAS, the proper use of Automatic External DeFibrillators ("AEDs") saves lives and their use is supported by the American Heart Association and physicians throughout the United States; and

WHEREAS, the New Jersey Legislature is currently considering Senate Bill S-2567 which requires health and fitness clubs in New Jersey to have an AED on site and employees trained in its use along with ensuring that the AED is tested and maintained (the "AED Law"); and

WHEREAS the Mayor and Township Council believe that S-2567 is important legislation because it will help protect the public's health, safety and welfare, as well as prevent unnecessary litigation by providing properly trained users of AED's with immunity from civil liability for any personal injury resulting from their use of those AEDs; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro hereby declares its support of the AED Law and urges the New Jersey Legislature to enact the same; and

BE IT FURTHER RESOLVED, that the Municipal Clerk be and is hereby directed to provide a certified copy of this resolution to the Legislators representing the Township of Marlboro and Acting Governor Richard J. Codey with a request that they assist in any way possible to ensure that the AED Law is adopted.

The following Res. # 2005-289 (Supporting NJ State Bill S-2448) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice, and passed on a roll call vote of 5 - 0 in favor.

As the Consent Agenda, the following Resolutions were introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn, and passed on a roll call vote of 5 - 0 in favor: Res. #2005-290 (Auth. to Bid - Vestibule addition to Recreation), Res. #2005-291 (Auth. of Bid - ADA Improvements - Municipal Annex), Res. #2005-292 (Redemption Tax Sale Certs. - Various), Res. #2005-293 (Refunds for Second Quarter Taxes), Res. #2005-294

(Refunds for Overpayments), Res. #2005-295 (Disabled Veteran Deduction Refund B.258, L.29), Res. #2005-296 (Senior Citizen Deduction), Res. #2005-297 (Bingo License - Jewish Community Center of Western Monmouth County) and Res. #2005-298 (Raffle License - Jewish Community Center of Western Monmouth County).

RESOLUTION # 2005-290

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Vestibule Addition to Recreation

RESOLUTION # 2005-291

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

ADA Improvements - Municipal Annex

RESOLUTION # 2005-292

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$157,972.39 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$157,972.39 be refunded to the certificate holders as per Schedule A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
05-1	101/17.11	Fidelity Tax Corp.	\$62,797.82
206 Dawes Drive		P.O. Box 5707	
		Fort Lauderdale, FL 33310	

05-10	132/51	American Tax Funding, LLC	56,897.91
187A Beacon Hill Rd.		P.O. Box 862658	
		Orlando, FL 32886-2658	
05-26	305/170	Crusader Servicing Corp.	35,741.18
2 Brunswick Drive		179 Washington Lane	
		Jenkintown, PA 19046	
05-32	143.03/2	Berkshire Investment I, LLC	667.84
160 Woodcliff Blvd.		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
05-37	190/13	Berkshire Investment I, LLC	806.56
26 Stony Hill Dr.		c/o Scott Borsack	
		13 Berkshire Drive	
		West Windsor, NJ 08550	
05-38	193.09/10	NASDOM, LLC	1,061.08
23 Pueblo Ct.		1527 E. 35 Street	
		Brooklyn, NY 11234	
TOTAL:			<u>\$157,972.39</u>

RESOLUTION # 2005-293

WHEREAS, an overpayment of 2005 second quarter taxes has been received from LandAmerica Tax and Flood Services, in the amount of \$386.05, for Block 193.06 Lot 12, located at 78 Station Road, assessed to Timofey Migirov,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amount which totals \$386.05 to LandAmerica Tax and Flood Services.

RESOLUTION # 2005-294

WHEREAS, the attached list in the amount of \$1,500.42 known as Schedule "A", is comprised of amounts representing overpayments for 2005 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
360.02	18.49	K. Hovnanian at Marlboro VIII	\$ 767.70
8 Wolcott Ct.		110 Fieldcrest Avenue	
		CN 7825	
		Edison, NJ 08818	
		(Former Assessed Owner)	
360.02	18.59	K. Hovnanian at Marlboro VIII	732.72
21 Whipple Way		110 Fieldcrest Avenue	
		CN 7825	
		Edison, NJ 08818	
		(Former Assessed Owner)	
		TOTAL:	<u>\$1,500.42</u>

RESOLUTION # 2005-295

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for Donald Klieger, Block 258 Lot 29, located at 14 Georgian Bay Drive,

WHEREAS, taxes were billed for the first half of 2005 in the amount of \$3,535.15, and

WHEREAS, this exemption became effective January 1, 2005 and taxes were paid for the first half of 2005, the above-mentioned taxpayer is due a refund of \$3,535.15,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,535.15 to the above-mentioned taxpayer and cancel same.

RESOLUTION # 2005-296

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2005 for Block 377 Lot 28, located on 16 Eastwick Court, assessed to Bernard Epstein,

WHEREAS, taxes for the year 2005 have an unpaid balance on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2005-297

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Bingo License # BL: 01-05 be and it is hereby granted to Jewish Community Center of Western Monmouth County, 100 Route 9 North, Manalapan, N. J. 07726.

BE IT FURTHER RESOLVED that said Bingo will be played on September 22, 2005 from 7:30 - 10:00 PM at Solomon Schechter Day School, 22 School Road East, Marlboro, N. J. 07746.

RESOLUTION # 2005-298

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 10-05 (On premise merchandise) be and it is hereby granted to Jewish Community Center of Western Monmouth County, 100 Route 9 North, Manalapan, N. J. 07726.

BE IT FURTHER RESOLVED that said Raffle will take place on September 22, 2005 from 7:30 - 10:00 PM at Solomon Schechter Day School, 22 School Road East, Marlboro, N. J. 07746.

The following Res. # 2005-299 (Extending Grace Period for Tax Payments) was introduced by reference, offered by Councilman Mione, seconded by Councilman Denkensohn, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-299

WHEREAS, there have been significant delays in the preparation of the State of New Jersey SFY06 Budget, and

WHEREAS, although the New Jersey State budget is now in place but the State of New Jersey has withheld the certification of tax rates which is necessary to print tax bills, and

WHEREAS, R.S.54:4-66.3 states "The third installment of current year taxes shall not be subject to interest until the later of August 1, the additional interest free period authorized pursuant to R.S.54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third period was mailed or otherwise delivered", and

WHEREAS R.S.54:4-66.3 also reads "Any payment received after the later of August 1, the additional interest free period authorized pursuant to R.S. 54:4-67, or the twenty-fifth calendar day after the date that the tax bill or estimated tax bill for the third installment was mailed or otherwise delivered, may be charged interest back to the date of August 1", and

WHEREAS, it is unknown as of this point in time exactly when the State of New Jersey will act to certify the tax rate to enable the printing and subsequent distribution of tax bills,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County, State of New Jersey, that the interest free period pursuant to R.S.54:4-67 be hereby extended to the date of August 19, 2005.

The following Res. # 2005-301 (Authorizing Continuing Disclosure Agreement) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-301

A RESOLUTION OF THE TOWNSHIP OF MARLBORO, NEW JERSEY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2005 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN

CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY
OF SUCH BONDS

WHEREAS, the Township of Marlboro, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2005 (Marlboro Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2005, there has been prepared and submitted to the Municipality a Letter of Representation in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2005 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF MARLBORO, AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement, in the form presented to this meeting, be and

the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2005 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

The following Resolution #2005-302 (Amending Res. #2005-131 - Transfers) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice, and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-302

WHEREAS, Resolution #2005-131 was approved by action of the Township Council on March 17, 2005, and

WHEREAS, Resolution #2005-131 authorized a transfer from the 2004 Salary Adjustment account in the amount of \$275,000, and

WHEREAS, the transfer breakdown contained within the body of the resolution was erroneous,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, Monmouth County,

State of New Jersey that this resolution be hereby amended to reflect the following breakdown of the \$275,000 tranfer from the 2004 Salary Adjustment account.

At 11:30 PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Council Vice President Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: August 11. 2005

OFFERED BY: Morelli AYES: 4

SECONDED BY: Cantor NAYS: 0

ABSENT: Mione

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT